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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,534

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Clayton Kittrell

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STEPTOE & JOHNSON LLP

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Washington, DC 20036

EXAMINER

SAINT CYR, LEONARD

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/666,534	Applicant(s) KITTRELL ET AL.	
	Examiner Leonard Saint-Cyr	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 19, and 20 are objected to because of the following informalities: Claims 19 and 20 are identical, please cancel claim 20. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a computer program to perform its claimed functions, it should be stored in a computer readable medium, so that the program could be run by the computer. Examiner suggests following change of the preamble: "A computer readable medium for facilitating voice signatures".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 –20 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithies et al., (US Patent 6,091,835).

As per claims 1, 11, and 17, Smithies et al., teach a method for facilitating voice signatures, the method comprising:

identifying a document to be signed (“information relating to a document”; col.8, line 18);

creating a speakable identifier summarizing the contents of the document (“presents certain information relating to a document in an organized, sequential manner”; col.8, lines 17 – 20);

creating a voice script including the speakable identifier (“voice recording the declaration of intention”; col.34, lines 49 – 51);

using the voice script and the document to be signed to facilitate the creation of a voice signature (“voice or multimedia recordings signature”; col.8, lines 31 - 35; col7, lines 42 – 50).

As per claim 2, Smithies et al., further disclose identifying an electronic record containing one or more details of a transaction (“statement file”; col.8, lines 30 – 35).

As per claim 3, Smithies et al., further disclose identifying an electronic record containing a document to be acknowledged (“presents certain information relating to a document”; col.12, lines 14 – 16; col.8, lines 15 - 18).

As per claims 4, and 18, Smithies et al., further disclose calculating a cryptographic hash of the document ("cryptographic means"; col.7, lines 64, and 65; col.35, line 36).

As per claims 5, 19, and 20, Smithies et al., further disclose calculating a checksum of the document (col.35, line 36).

As per claim 6, Smithies et al., further disclose calculating a message digest of the document (col.24, lines 22 – 24).

As per claim 7, Smithies et al., further disclose creating instructions using the voice script such that the instructions enable a signer to create a voice signature ("instructions from the client application to determine the types of authentication to be used during any affirmation process"; col.13, lines 7 – 10).

As per claims 8, and 12, Smithies et al., further disclose forwarding the instructions and the document to the signer ("presenting a text or aural instruction"; col.8, lines 15 – 20; col.33, lines 39 – 42).

As per claims 9, and 13, Smithies et al., further disclose that instructions and the document are forwarded to the signer electronically ("electronic signatures"; col.7, line 40).

As per claims 10, and 14, Smithies et al., further disclose that hardcopies of the instructions and the document are forwarded to the singer ("message displayed to the affirming party"; col.8, lines 47, and 48).

As per claim 15, Smithies et al., further disclose that recording a user reading the voice script is performed using a microphone (col.43, line 21).

As per claim 16, Smithies et al., further disclose recording a user reading the voice script is performed using an interactive voice response system ('record of the affirming party's interaction with the system"; col.13, lines 49 – 51).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khan et al., (US Patent 6,401,206) teach a method and apparatus for binding electronic impressions made by digital identities to documents.

Ginter et al., (US Patent 5,910, 987) teach systems and methods for secure transaction management and electronic rights protection.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Saint-Cyr whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS
05/07/07


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER